



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

#### **Request for Special Exception**

**Paul & Mary Lavoiseur /Tax Map 103, Lot 11**

**May 4, 2017**

**Applicant: Paul and Mary Lavoiseur**  
**11 Marvin Road**  
**Moultonborough, NH 03254**

**Location: 7 Marvin Road (Tax Map 103, Lot 11)**

On May 3, 2017, the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Paul & Mary Lavoiseur (hereinafter referred to as the "Applicant" and/or "Owner") for an application for Special Exception under Article VII.C to allow a mixed use that includes both a retail business (permitted use in Zone A) and a residential dwelling on the parcel located in the Commercial Zone A and RA zoning districts.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 7-11 Marvin Road (Tax Map 103, Lot 11).
- 2) The owner of the record of lot is Paul G. and Mary E. Lavoiseur.
- 3) Paul and Mary Lavoiseur presented the application to the Board.
- 4) The lot is in the Commercial Zone A and R/A Zoning Districts.
- 5) The existing site contains a single-family dwelling unit and a pre-existing non-conforming store/shop.
- 6) The business use on the property has been vacant for more than two years.
- 7) No members of the public were present for the Public Hearing.

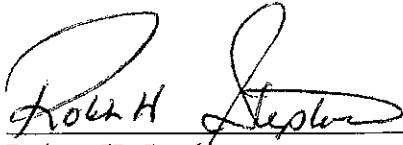
- 8) The Fire Chiefs comments were the following: The Fire Chief has reviewed this application and has no objections or concerns with the use as proposed.
- 9) The specific site is an appropriate location for the use as it is located adjacent to other commercial businesses.
- 10) The use is compatible with the character of the neighborhood in both the Residential Agricultural Zone and the Commercial A District as it is located adjacent to other residences and commercial businesses.
- 11) The property values in the district will not be negatively impacted by the use in the district as the building for the proposed use already exists and will have no negative impact on neighboring property values and the use is compatible with other commercial uses the neighborhood.
- 12) There will be no nuisance or hazard to pedestrians or vehicles from any activity conducted on the site as there is adequate parking on site and the use will not affect the flow of traffic for the commercial operation.
- 13) There will be no additional burden on Town infrastructure or services by the proposed mixed-use.
- 14) The proposed use complies with the minimum land space requirements of Article III, Table I.
- 15) The capacity of existing roads to carry related traffic is sufficient to allow for the operation of the site as a mixed use without the need for upgrades or repairs of the roadway.
- 16) The Fire Chief's comment was noted as "The Fire Chief has reviewed this application and has no objections or concerns with the use as proposed."
- 17) The application meets all the requirements for a Special Exception under Article VI E.

On May 3, 2017, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, St. Peter, DeMeo, Onthank) and none (0) opposed to grant the request for a special exception with the following conditions: 1) The site be marked with signage, entrance from Marvin Road and exit only onto Route 25, Whittier Highway; 2) Fencing to be mandatory and maintained in the existing location between the parking area and Route 25, Whittier Highway; and further, to close the Public Hearing.

The Board of Adjustment, on May 17, 2017, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of four (4) in favor (Stephens, Bickford, DeMeo, Jenny) and none (0) opposed and one (1) abstention (Zewski).

The decision made to Approve the special exception on May 3, 2017 shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA

677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.



Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date 5/24/17

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